

**THE HONOURABLE SRI JUSTICE
B.SESHASAYANA REDDY**

WRIT PETITION NO.24883 of 2002

Disposed of on : 05-07-2006.

BETWEEN:

**V.VENKATA RAO
AND OTHERS**

.. PETITIONERS

AND

**THE ASSISTANT DIRECTOR OF
FISHERIES, KAKINADA,
E.G.DISTRICT AND OTHERS**

.. RESPONDENTS

**THE HONOURABLE SRI JUSTICE
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ORAL ORDER:

This writ petition has been filed assailing the proceedings dated NIL communicated to the petitioners herein on 3.12.2002. The petitioners are members of 4th respondent-Kesavaram Fisherman Cooperative society, Kesavaram, Mandapet Mandal, E.G. District. The President of the society cancelled the membership of the petitioners by invoking the powers under section 23 of A.P. Cooperative Societies Act, 1964.

It is the grievance of the petitioners that they were not put on

notice before canceling their membership from the society.

When this writ petition came up for hearing there is no representation on behalf of the respondents.

Heard learned counsel appearing for the petitioners.

Learned counsel appearing for the petitioners submits that the petitioners were not put on notice before canceling their membership from the said Society. By referring to Sec.23(2) of the A.P.Cooperative societies Act, he would submit that notice to the member is mandatory before canceling his membership.

Sec.23(2) of A.P.Cooperative Societies Act, 1964 reads as under:

“ (2) No member shall be expelled under sub-section (1) without being given an opportunity of making his representation to the General Body. A copy of the resolution expelling the member shall be communicated to the member.”

It is explicit from Sec.23(2) of the Act that a show cause notice is required to be served on the member before canceling his membership from a Society. Apparently, no show cause notice was served on the petitioners before passing the orders impugned in the writ petition. Therefore, the order impugned in this writ petition cannot be sustained.

Accordingly, this writ petition is allowed setting aside the order impugned in this writ petition. No costs. However, this order does not preclude the Society from issuing show cause notice as contemplated under section 23(2) of the Act and pass orders in accordance with the law.

Dt: 5-7-2006.

(B.Seshasayana Reddy,J)

Tnb

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Dated: 05-07-2006.